

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
James L. Winkler, Stephen P.A. Fodor,)	Examiner:
Christopher J. Buchko, Debra A. Ross,)	Jan M. Ludlow
Lois Aldwin, and Douglas N. Modlin)	
)	
Serial No.: 09/579,982)	Art Unit:
)	1743
Filed: May 26, 2000)	
)	
Title: COMBINATORIAL STRATEGIES FOR)	Conf. No.: 1925
POLYMER SYNTHESIS)	

Commissioner for Patents
Mail Stop Amendment
P.O. Box 1450
Alexandria, VA 22313-1450

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §§ 1.97-1.99, Applicants hereby submit the enclosed PTO Form 1449. Copies of the references are enclosed. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. § 1.56.

In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. However, the references have not been reviewed in sufficient detail to make any other representation and, in particular, no representation is intended as to the relative importance of any portion of the references. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. § 102 or § 103.

In addition, the following European Opposition proceedings may be material to the Examiner's review of the pending claims, since they are European counterparts to the pending application.

(1) European Opposition 1 086 742 filed by Degussa

Publicly available documents for this opposition are available at the following link through ep.espacenet.com and conducting an advanced search of EP1086742, clicking "view documents in European Register", clicking "all documents" and clicking "opposition".

http://www.epoline.org/portal/public/!ut/p/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLN4i3dAfJgFjGpvpqRqCKOcAFfj_zcVKBwpDmQ726kH6LvrR-gX5AbGIFunK4IAEFiq1o!/delta/base64xml/L0IDVE83b0pKN3VhQ1NZS0NsRUtDbEVLQ2xFS0NsRUEhL1IOVUIBQUIJSUIJSUINTUIJSU1JSUNDSUtHS0dPTUVBRUFLQkpCSk9CRk5GtK9GRExETE9EQSEhLzRCMWlj25RVndHeE9VVG9LNzlZUTdEbUc0UjJIS054anNPY2JnblJjazNGSUEhIS83XzBfRzlvNzE0NjMzL1JET0NTT1JUT1JERVIVZGVzY2VuZGluZy9SRE9DU09SVEZJRUXEL2RhdGUvb3JnZXBvbGluZXBvcnRhbgZyYW1ld29ya3BvcnRsZXRIYXNIU3RhdGVQb3J0bGV0QmFzZUFjdGlubi9vcmcuZXBvbGluZS5wb3J0YWwuYXBwbGljYXRpb25zLnJlZ2lzdGVycGx1cy5wb3J0bGV0LlJQQWN0aW9uRGlzcGxheURvY3VtZW50TGltZC9SRE9DRkIMVEVSL09QUE8!

In this opposition, the Interlocutory decision of July 31, 2006 amended the allowed claim as follows:

1. Use of constraining means on ~~or adjacent~~ a single substrate for physically defining regions of the substrate available to react with a reactant solution, and for constraining said reactant solution to those regions, in the manufacture of a polymer array by successive spotting of monomers or by delivery of polymers to those regions, which array comprises said substrate and 100 or more groups of polymers with diverse, known sequences coupled to the surface thereof in discrete, known locations, the density of said groups being at least 1000/cm², and wherein the constraining means comprises ~~a series of channels or grooves formed on or adjacent the substrate, or spots separated from one another by inert non-wetting regions on the substrate.~~

(2) European Opposition 0 972 564 filed by Applera

Publicly available documents for this opposition are available at the following link

through ep.espacenet.com and conducting an advanced search of EP0972564, clicking “view documents in European Register”, clicking “all documents” and clicking “opposition”.

http://www.epoline.org/portal/public/!ut/p/kcxml/04_Sj9SPykssy0xPLMnMz0vM0Y_QjzKLN4i3dAfJgFjGpvqRqCKOcAFfj_zcVKBwpDmQ726kH6LvrR-gX5AbGlFunK4IAEFiq1o!/delta/base64xml/L0lDVE83b0pKN3VhQ1NZS0NsRUtDbEVLQ2xFS0NsRUEhL1lOVUIBQUIJSUIJSUINTUIJSU1JSUNDSUtHS0dPTUVBRUFLQkpCSk9CRk5GtK9GRExETE9EQSEhLzRCMWlj25RVndHeE9VVG9LNzlZUTdEbUc0UjJIS054anNPY2JnblJjazNGSUEhIS83XzBfRzlvNzIxNTE5L1JET0NTT1JUT1JERVlvZGVzY2VuZGluZy9SRE9DU09SVEZJRUXEL2RhdGUvb3JnZXBvbGluZXBvcnRhbGZyYW1ld29ya3BvcnRsZXRIYXNIU3RhdGVQb3J0bGV0QmFzZUFjdGlvb3J0bGV0LlJQWN0aW9uRGJzcGxheURvY3VtZW50TGJz dC9SRE9DRkIMVEVSL09QUE8!

In this Opposition, the Interlocutory decision of July 31, 2006, the claim of the European patent set forth below was revoked.

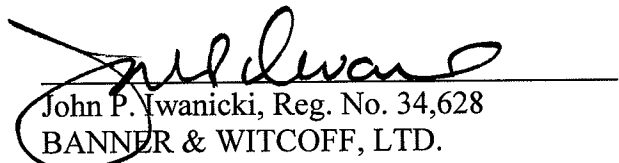
1. A method of forming a polymer array comprising a substrate and 100 or more groups of polymers with diverse, known sequences coupled to the surface thereof in discrete, known locations, the density of said groups being at least 1000 per cm², wherein said discrete known locations are separated from one another by inert regions, and wherein said polymers are delivered to said locations by spotting.

In the opinion of the opposition division, the claim was revoked because “the parent application as originally filed (D12) does not unambiguously disclose that polymers may be delivered to said locations (on the substrate) by spotting (Article 76(1) EPC).” The opposition division states “that the term ‘the polymers are delivered to the regions as complete species’ does not necessarily mean that this is done by spotting, it can also be done by other techniques like flowing. In fact nowhere in D12 is there a direct link between entire polymers and spotting.”

This statement is being filed after a first Office Action on the merits, but before receipt of a final Office Action or a Notice of Allowance. The Commissioner is authorized to charge \$180.00 in payment of the fee of §1.17(p) and apply any additional charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

Date: October 3, 2007


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